
Introduced by Senator Morrow

February 23, 1999

An act to add Section 190.10 to the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 591, as introduced, Morrow. Criminal procedure: capital cases.

Existing law requires the trial court to expeditiously certify the record in any case in which a death sentence has been imposed by certifying the entire record on appeal for completeness within 90 days of the imposition of the death sentence, and for accuracy within 120 days of delivery to appellate counsel, except as specified.

This bill would provide that the judge in a capital case shall not receive his or her salary until he or she affirms that no record remains pending and uncertified for 120 or more days after delivery of the record to appellate counsel.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 190.10 is added to the Penal
2 Code, to read:
3 190.10. In any capital case in which certification of the
4 record is pending in the trial court after imposition of
5 sentence, no judge shall receive his or her salary unless he
6 or she shall make and subscribe before an officer entitled

1 to administer oaths, an affidavit stating that no record to
2 be certified pursuant to Section 190.8 remains pending
3 and uncertified for 120 or more days after delivery of the
4 record to appellate counsel.

O

